

AMENDED IN ASSEMBLY JUNE 25, 2014
AMENDED IN ASSEMBLY JUNE 17, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add ~~Part 4 (commencing with Section 11975.10) to Division 10.5 of the Health and Safety Code~~ *Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code*, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various programs to eliminate alcohol and drug abuse, and states the finding of

the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the ~~State Department of Health Care Services~~ *Consumer Affairs*, and would authorize the board to commence issuing these licenses and registrations on January 1, 2017. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these provisions, and commencing on January 1, 2017, it would be unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities. The bill would set various licensing and registration fees, until the board establishes different fees by regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Chapter 9.7 (commencing with Section 4450) is*
- 2 *added to Division 2 of the Business and Professions Code, to read:*

1 *CHAPTER 9.7. ADVANCED ALCOHOL AND DRUG COUNSELOR*
2 *LICENSING AND ADVANCED ALCOHOL AND DRUG COUNSELOR*
3 *INTERN REGISTRATION*

4
5 *Article 1. General Provisions*
6

7 4450. (a) *This chapter shall be known, and may be cited, as*
8 *the Advanced Alcohol and Drug Counselor Licensing Act.*

9 (b) *This chapter shall be liberally construed to achieve its*
10 *objectives.*

11 4450.1. *For purposes of this chapter, the following definitions*
12 *apply:*

13 (a) *“Advanced alcohol and drug counselor intern” or “AADCI”*
14 *means an unlicensed person who has fulfilled the testing and*
15 *education requirements in Section 4453 to become licensed, who*
16 *is seeking to meet the supervised experience requirements of this*
17 *chapter, and is registered with the board for this purpose.*

18 (b) *“Advertise” includes, but is not limited to, the issuance of*
19 *any card, sign, or device to any person, or the causing, permitting,*
20 *or allowing of any sign or marking on or in any building or*
21 *structure, or in any newspaper or magazine or in any directory,*
22 *or any printed matter, with or without any limiting qualification.*
23 *Advertising also includes business solicitations communicated by*
24 *radio or television broadcasting, the Internet, or any other*
25 *electronic medium.*

26 (c) *“Board” means the Advanced Alcohol and Drug Counselor*
27 *Licensing Board.*

28 (d) *“Clinical supervision” means the ongoing process performed*
29 *by a supervisor, or monitoring the performance of one or more*
30 *supervisees to ensure high-quality service delivery across domains*
31 *of alcohol and drug counselor development, professional and*
32 *ethical standards, program development, quality assurance,*
33 *performance evaluation, and administration.*

34 (e) *“Clock hour” means 50 continuous minutes of instruction.*
35 *Fifteen clock hours is equal to one semester unit of college credit.*

36 (f) *“Department” means the Department of Consumer Affairs.*

37 (g) *“Director” means the Director of Consumer Affairs.*

38 (h) *“Independent counseling practice” means an individual or*
39 *individuals who are licensed pursuant to terms of this chapter to*
40 *engage in the practice of alcohol and drug counseling, as defined*

1 in Section 4454, in a setting outside of a licensed or certified
2 facility.

3 (i) “IC&RC” means the International Certification and
4 Reciprocity Consortium.

5 (j) “Licensed advanced alcohol and drug counselor” or
6 “LAADC” means a person licensed by the board pursuant to
7 Section 4453.1 or 4453.2 to practice alcohol and drug counseling,
8 who may provide clinical supervision to registered interns in the
9 State of California, and who may maintain an independent alcohol
10 and drug counseling practice outside of a program licensed or
11 certified by the state to provide alcohol and drug treatment
12 services.

13 (k) “Student” means an unlicensed person who is currently
14 enrolled in a master’s or doctorate doctoral degree program, as
15 specified in paragraph (1) of subdivision (a) of Section 4453.2
16 that is designed to qualify him or her for licensure under this
17 chapter.

18
19 Article 2. The Advanced Alcohol and Drug Counselor Licensing
20 Board
21

22 4451. (a) There is in the Department of Consumer Affairs, the
23 Advanced Alcohol and Drug Counselor Licensing Board that
24 consists of the following members:

25 (1) Five state licensed advanced alcohol and drug counselors.

26 (2) Six public members.

27 (b) Each member, except the six public members, shall have at
28 least two years of experience in his or her profession.

29 (c) Each member shall reside in the State of California.

30 (d) (1) The Governor shall appoint four of the public members
31 and the five licensed members with the advice and consent of the
32 Senate.

33 (2) The Senate Committee on Rules shall appoint one public
34 member.

35 (3) The Speaker of the Assembly shall appoint one public
36 member.

37 (e) From the commencement of appointments and until licenses
38 for advanced alcohol and drug counselors are issued, the Governor
39 shall appoint alcohol and drug addiction counselors certified by
40 a certifying organization recognized by the department.

1 (f) Each member of the board shall be appointed for a term of
2 four years.

3 (1) A member appointed by the Speaker of the Assembly or the
4 Senate Committee on Rules shall hold office until the appointment
5 and qualification of his or her successor or until one year from
6 the expiration date of the term for which he or she was appointed,
7 whichever occurs first.

8 (2) Pursuant to Section 1774 of the Government Code, a member
9 appointed by the Governor shall hold office until the appointment
10 and qualification of his or her successor or until 60 days from the
11 expiration date of the term for which he or she was appointed,
12 whichever occurs first.

13 (g) A vacancy on the board shall be filled by appointment for
14 the unexpired term by the authority who appointed the member
15 whose membership was vacated.

16 (h) Not later than the first of June of each calendar year, the
17 board shall elect a chairperson and a vice chairperson from its
18 membership.

19 (i) Each member of the board shall receive a per diem of one
20 hundred dollars (\$100) for each day actually spent in the discharge
21 of official duties, and shall be reimbursed for traveling and other
22 expenses necessarily incurred in the performance of official duties.
23 The payments in each instance shall be made only from the fund
24 from which the expenses of the department are paid and shall be
25 subject to the availability of money. Notwithstanding any other
26 law, no public officer or employee shall receive per diem salary
27 compensation for serving on those boards, commissions,
28 committees, or the Consumer Advisory Council on any day when
29 the officer or employee also received compensation for his or her
30 regular public employment.

31 4451.1. (a) The board may appoint an executive officer. This
32 position is designated as a confidential position and is exempt
33 from civil service under subdivision (e) of Section 4 of Article VII
34 of the California Constitution.

35 (b) The executive officer serves at the pleasure of the board.

36 (c) The executive officer shall exercise the powers and perform
37 the duties delegated by the board and that are vested in him or
38 her by this chapter.

39 (d) With the approval of the director, the board shall fix the
40 salary of the executive officer.

1 (e) *The chairperson of the board may call meetings of the board*
2 *and any duly appointed committee at a specified time and place.*
3 *For purposes of this section, “call meetings” means setting the*
4 *agenda, time, date, or place for a meeting of the board or a*
5 *committee.*

6 4451.2. *Subject to the State Civil Service Act (Part 2*
7 *(commencing with Section 18500) of Division 5 of Title 2 of the*
8 *Government Code), the board may employ any clerical, technical,*
9 *and other personnel as it deems necessary to carry out the*
10 *provisions of this chapter and the other chapters it administers*
11 *and enforces, within budget limitations.*

12 4451.3. *The board shall keep an accurate record of all of its*
13 *proceedings and a record of all applicants for licensure and all*
14 *individuals to whom it has issued a license.*

15 4451.4. *The duty of administering and enforcing this chapter*
16 *is vested in the board and the executive officer subject to, and*
17 *under the direction of, the board. In the performance of this duty,*
18 *the board and the executive officer have all the powers and are*
19 *subject to all the responsibilities vested in, and imposed upon, the*
20 *head of a department by Chapter 2 (commencing with Section*
21 *11150) of Part 1 of Division 3 of Title 2 of the Government Code.*

22 4451.5. *Protection of the public shall be the highest priority*
23 *for the board in exercising its licensing, regulatory, and*
24 *disciplinary functions. Whenever the protection of the public is*
25 *inconsistent with other interests sought to be promoted, the*
26 *protection of the public shall be paramount.*

27
28 Article 3. Administration
29

30 4452. *The board shall administer and enforce this chapter.*

31 4452.1. *In order to carry out the provisions of this chapter,*
32 *the board shall do, but shall not be limited to doing, all of the*
33 *following:*

34 (a) *Adopt rules and regulations as necessary to administer and*
35 *enforce this chapter. The adoption, amendment, and repeal of*
36 *those rules and regulations shall be made in accordance with the*
37 *rulemaking provisions of the Administrative Procedure Act*
38 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
39 *Division 3 of Title 2 of the Government Code).*

1 ***(b) Issue licenses and register interns seeking licensure***
2 ***beginning January 1, 2017, to those who meet the qualifications***
3 ***of this chapter and any regulations adopted pursuant to this***
4 ***chapter.***

5 ***(c) Take disciplinary action against licensees and registered***
6 ***interns where appropriate, including reprimand or probation,***
7 ***suspension, or revocation of the license, or registration, issuance***
8 ***of administrative citations, or imposition of administrative fines***
9 ***not to exceed five thousand dollars (\$5,000), or any combination***
10 ***of these. The board shall not take action against certified***
11 ***counselors and staff of licensed and certified facilities who are***
12 ***not registered with the board as interns or who are not licensed***
13 ***by the board.***

14 ***(d) Establish continuing education requirements.***

15 ***(e) Establish procedures for the receipt, investigation, and***
16 ***resolution of complaints.***

17 ***(f) Establish criteria to determine whether the curriculum of an***
18 ***educational institution satisfies the requirements imposed by this***
19 ***chapter.***

20 ***(g) Establish parameters of unprofessional conduct that are***
21 ***consistent with the uniform code of conduct adopted by the***
22 ***California Coalition of Certifying Organizations and accepted by***
23 ***the department in June 2013.***

24 ***(h) Establish reinstatement procedures for an expired or revoked***
25 ***certificate or license.***

26 ***(i) Establish policies to implement and enforce clinical***
27 ***supervision requirements for registered interns prescribed in***
28 ***Section 5543.2.***

29 ***(j) Adopt one examination for administering to prospective***
30 ***licensees. The test may be administered by the board or by a public***
31 ***or private entity selected by the board.***

32 ***(k) Maintain a database of licensees and registered interns,***
33 ***including the individual's status, any public record of discipline,***
34 ***and other information as the board may require.***

35 ***(l) Establish an advisory committee composed of one or more***
36 ***representatives of consumers, alcohol and drug counselors, alcohol***
37 ***and drug counselor employers, counties, educators, referral***
38 ***sources, and other persons as the board may determine, that shall***
39 ***meet at least two times per year and make recommendations to***
40 ***the board concerning curriculum, criminal background checks,***

1 *unprofessional conduct, and other matters as the board may refer*
2 *to the committee. This committee shall become inoperative two*
3 *years after the issuance of licenses.*

4
5 *Article 4. Qualifications and Requirements for Licensure and*
6 *Registration*
7

8 *4453. (a) Commencing January 1, 2017, the board shall issue*
9 *a registration for an advanced alcohol and drug counselor intern*
10 *(AADCI) who meets all of the following requirements:*

11 *(1) Possesses an earned master of arts, master of science, or*
12 *doctoral degree in alcohol and drug counseling, psychology, social*
13 *work, counseling, marriage and family therapy, counseling*
14 *psychology, clinical psychology, or other clinically focused major*
15 *or an equivalent degree recognized by the board, from an*
16 *institution of higher learning accredited by the Western Association*
17 *of Schools and Colleges , the Bureau for Private Postsecondary*
18 *Education, or state or regional accrediting agency approved by*
19 *the board. The board has the authority to make the final*
20 *determination as to whether a degree meets all requirements,*
21 *including, but not limited to, course requirements, regardless of*
22 *approval.*

23 *(2) Completes 315 clock hours of alcohol and drug specific*
24 *education approved by the board from an institution of higher*
25 *learning accredited by the Western Association of Schools and*
26 *Colleges, the Bureau for Private Postsecondary Education, or a*
27 *state or regional accrediting agency approved by the board. This*
28 *education shall include, but is not limited to, all of the following:*

29 *(A) Forty-five clock hours of psychopharmacology/physiology*
30 *of addiction including the following areas: examination of the*
31 *effects of alcohol and similar legal psychoactive drugs to the body*
32 *and behavior; damage to the body and behaviors; damage to the*
33 *brain, liver, and other organs; tolerance, cross tolerance, and*
34 *synergistic effects; physiological differences between males and*
35 *females; disease model including neurobiological signs and*
36 *symptoms.*

37 *(B) Forty-five clock hours of clinical*
38 *evaluation/psychopathology, including the following areas: initial*
39 *interviewing process; biopsychosocial assessment; differential*
40 *diagnosis; diagnostic summaries; co-occurring disorders, referral*

1 *processes, and the evaluation of clients using placement criteria,*
2 *including the ASAM patient placement criteria or other validated*
3 *clinical tools, to determine the most appropriate level of care for*
4 *the client and eligibility for admission to a particular alcohol and*
5 *other drug abuse treatment program.*

6 *(C) Forty-five clock hours of counseling/psychotherapy for*
7 *addiction, including the following areas: introduction to*
8 *counseling; introduction to techniques and approaches; crisis*
9 *intervention; individual counseling focused on addiction; group*
10 *counseling; and family counseling as it pertains to addiction*
11 *treatment.*

12 *(D) Forty-five clock hours in case management, including the*
13 *following areas: community resources; consultation;*
14 *documentation; and HIV positive resources.*

15 *(E) Forty-five clock hours of client education, including the*
16 *following areas: addiction recovery; psychological client*
17 *education; biochemical/medical client education; sociocultural*
18 *client education; addiction recovery and psychological family*
19 *education; biomedical and sociocultural family education; and*
20 *community and professional education.*

21 *(F) Forty-five clock hours of professional responsibility/law*
22 *and ethics, including the following: ethical standards, legal*
23 *aspects, cultural competency, professional growth, personal*
24 *growth, dimensions of recovery, clinical supervision, and*
25 *consultation; community involvement; and operating a private*
26 *practice.*

27 *(3) Completes a supervised practicum of no less than 315*
28 *performance (experience) hours, including 45 hours of classroom*
29 *instruction and 255 hours of practical experience performed at*
30 *an agency approved by the practicum instructor. The practical*
31 *experience shall include the core functions demonstrating the*
32 *application of knowledge and skills in practice setting essential*
33 *to professional alcohol and drug counseling.*

34 *(4) Submits to a state and federal level criminal offender record*
35 *information search and passes both background checks as specified*
36 *in Section 4456.8.*

37 *(5) Pays the required fees as set by the board.*

38 *(6) Completes the application for registration.*

39 *(b) The board may accept any or all of the hours of education*
40 *stipulated in Section 5543.2 as part of the education leading to a*

1 *person's earned master of arts, master of science, or doctoral*
2 *degree.*

3 *4453.1. Commencing January 1, 2017, and ceasing with the*
4 *disposition of all completed applications actually received by the*
5 *board by June 30, 2018, the board shall issue a licensed advanced*
6 *alcohol and drug counselor (LAADC) license pursuant to*
7 *subdivision (b) of Section 4452.1 to each person who the board*
8 *determines is qualified either pursuant to subdivision (a) or (b):*

9 *(a) A license shall be granted by the board to a certified alcohol*
10 *and drug counselor who meets all of the following requirements*
11 *on or before January 1, 2017:*

12 *(1) Holds a current, valid, advanced alcohol and drug*
13 *counseling certification, or clinical supervision certification issued*
14 *by a certifying organization recognized by the department on or*
15 *before January 1, 2017. For the purpose of this subdivision, an*
16 *“advanced alcohol and drug counseling certification” or “clinical*
17 *supervision certification” shall include all of the following*
18 *minimum requirements for purposes of applying for licensure*
19 *under this section:*

20 *(A) Documentation of 315 hours of alcohol and drug counseling*
21 *education approved for certification by the IC&RC or any other*
22 *organization recognized by the board to have standards equal to*
23 *or higher than those of the IC&RC.*

24 *(B) A 45-hour practicum course approved for certification by*
25 *the IC&RC or any other organization recognized by the board to*
26 *have standards equal to or higher than those of the IC&RC, or a*
27 *supervised internship approved by the board.*

28 *(C) Documentation of 6,000 hours of work experience as an*
29 *alcohol and drug counselor approved for certification by the*
30 *IC&RC or any other organization recognized by the board to have*
31 *standards equal to or higher than those of the IC&RC.*

32 *(D) Receipt of a passing score on a test approved for*
33 *certification by the IC&RC or any other organization recognized*
34 *by the board to have standards equal to or higher than those of*
35 *the IC&RC.*

36 *(E) A letter from a certifying organization affiliated with the*
37 *IC&RC and recognized by the department, or any other*
38 *organization recognized by the board to have standards equal to*
39 *or higher than those of the IC&RC, that confirms that the applicant*

1 *is an advanced-level counselor in good standing at the time of the*
2 *application.*

3 *(2) The education described in subparagraph (A) of paragraph*
4 *(1) shall include, but is not limited to, both of the following:*

5 *(A) Forty-five clock hours of clinical*
6 *evaluation/psychopathology, including the following areas: initial*
7 *interviewing process; biopsychosocial assessment; differential*
8 *diagnosis; diagnostic summaries; and cooccurring disorders,*
9 *referral processes, and the evaluation of clients using placement*
10 *criteria, including the ASAM patient placement criteria or other*
11 *validated clinical tools, to determine the most appropriate level*
12 *of care for the client and eligibility for admission to a particular*
13 *alcohol and other drug abuse treatment program.*

14 *(B) Forty-five clock hours of professional responsibility/law*
15 *and ethics, including the following: ethical standards, legal*
16 *aspects, cultural competency, professional growth, personal*
17 *growth, dimensions of recovery, clinical supervision, consultation;*
18 *community involvement; and operating a private practice.*

19 *(3) Submits to a state and federal level criminal offender record*
20 *information search no later than January 1, 2017, and passes both*
21 *background checks as specified in Section 4456.8.*

22 *(4) Provides a letter from a certifying organization affiliated*
23 *with the IC&RC and recognized by the department, or any other*
24 *organization recognized by the board to have standards equal to*
25 *or higher than those of the IC&RC, that confirms that the applicant*
26 *has documented a total of 10,000 hours of experience in alcohol*
27 *and drug abuse counseling consistent with IC&RC standards for*
28 *advanced certification. Work experience documented to meet this*
29 *requirement shall have occurred within 10 years prior to the*
30 *implementation of this chapter.*

31 *(A) Documentation of an associate of arts degree may be*
32 *counted for 2,000 experience hours.*

33 *(B) Documentation of a bachelor's degree may be counted for*
34 *4,000 experience hours.*

35 *(C) Documentation of a master's degree may be counted for*
36 *6,000 hours of experience.*

37 *(D) A degree used in lieu of experience hours is required to be*
38 *substantially related to alcohol and drug counseling.*

39 *(5) Pays the required fees as set by the board.*

40 *(6) Completes the application for a license.*

1 ***(b) A license shall be granted by the board to a person licensed***
2 ***in the State of California who practices alcohol and drug***
3 ***counseling and who meets all of the following requirements on or***
4 ***before January 1, 2016:***

5 ***(1) Provides documentation to the board that he or she currently***
6 ***holds a valid license in the state to practice marriage family***
7 ***therapy, psychology, social work, professional counseling, or***
8 ***medicine.***

9 ***(2) Provides documentation to the board of 6,000 hours of***
10 ***experience in providing alcohol and drug counseling services***
11 ***directly to patients.***

12 ***(3) Pays the required fees as set by the board.***

13 ***(4) Completes the application for a license.***

14 ***(c) All of the hours of education and experience stipulated in***
15 ***Section 4453.2 may be gained as part of the education leading to***
16 ***a person's earned master of arts, master of science, doctoral***
17 ***degree, or certification preparation.***

18 ***4453.2. (a) Commencing January 1, 2017, the board shall***
19 ***issue a LAADC license pursuant to subdivision (b) of Section***
20 ***4452.1 to each person who the board determines meets all of the***
21 ***following requirements:***

22 ***(1) Possesses an earned master of arts, master of science, or***
23 ***doctoral degree in alcohol and drug counseling, psychology, social***
24 ***work, counseling, marriage and family therapy, counseling***
25 ***psychology, clinical psychology, or other clinically focused major***
26 ***or an equivalent degree recognized by the board, from an***
27 ***institution of higher learning accredited by the Western Association***
28 ***of Schools and Colleges or an equivalent accrediting agency***
29 ***approved by the United States Department of Education.***

30 ***(2) Completes the educational requirements in paragraphs (2)***
31 ***and (3) of subdivision (a) of Section 4453.***

32 ***(3) Submits documentation of 2,000 hours of work experience***
33 ***as an alcohol and drug counselor, of which 1,500 hours may be***
34 ***substituted by documenting certification in good standing as an***
35 ***alcohol and drug counselor as per certification regulations of this***
36 ***state.***

37 ***(4) Receives a passing score on a nationally recognized exam***
38 ***for licensure designated by the board.***

1 (5) *Submits to a state and federal level criminal offender record*
2 *information search and passes both background checks as specified*
3 *in Section 4456.8.*

4 (6) *Pays the required fees as set by the board.*

5 (7) *Completes the application for a license.*

6 (b) *The board may accept any or all of the hours of education*
7 *required by this section as part of the education leading to a*
8 *person's earned master of arts, master of science, or doctoral*
9 *degree.*

10 4453.3. (a) *Education, supervised experience, and work*
11 *experience gained outside of California may be accepted toward*
12 *the licensing requirements if it is substantially the equivalent of*
13 *the requirements of this chapter.*

14 (b) *The board may issue a license to a person who, at the time*
15 *of application, meets all of the following requirements:*

16 (1) *Has held a valid, active alcohol and drug counseling license*
17 *or certification issued by a board of alcohol and drug counseling*
18 *examiners or corresponding authority of any state.*

19 (2) *Passes the current applicable examination.*

20 (3) *Pays the required fees.*

21 (4) *Passes the required background check, as specified in*
22 *Section 4456.8.*

23 (5) *Is not subject to denial of licensure under this chapter.*

24 4453.4. (a) *The supervised experience required in Section*
25 *4453.2 may be gained under the clinical supervision of an LAADC,*
26 *or a licensed health professional specified by the board. This*
27 *experience shall meet all of the following criteria:*

28 (1) *Every two years, completion of a clinical supervision training*
29 *program approved by the board.*

30 (2) *A minimum of 70 percent of the required hours shall be*
31 *face-to-face individual or group counseling provided to clients in*
32 *the context of addiction treatment services.*

33 (3) *A maximum of 30 percent of the required hours may be in*
34 *case management, client-centered advocacy, consultation,*
35 *evaluation, and research.*

36 (4) *The required hours of supervised experience shall be*
37 *obtained over a period of not less than two years and shall have*
38 *been gained within the six years immediately preceding the date*
39 *on which the application for licensure was filed.*

1 (5) Experience shall not be credited for more than 40 hours in
2 any week.

3 (b) Prior to the commencement of clinical supervision, a
4 supervisor shall comply with all requirements for supervisors as
5 established by the board.

6 (c) (1) A supervisee shall receive an average of at least one
7 hour of direct supervisor contact for every week in which more
8 than 10 hours of face-to-face counseling is performed in each
9 setting where experience is gained.

10 (2) No more than five hours of direct clinical supervision,
11 whether individual or group, shall be credited during a single
12 week.

13 (d) For purposes of this section, “one hour of direct supervisor
14 contact” means one hour of face-to-face contact on an individual
15 basis or two hours of face-to-face contact in a group, of not more
16 than eight persons receiving clinical supervision, addressing the
17 substance of the supervisory plan required in subdivision (e).

18 (e) The supervisor and the supervisee shall develop a
19 supervisory plan that describes the goals and objectives of clinical
20 supervision. These goals shall include the ongoing assessment of
21 strengths and limitations and the assurance of practice in
22 accordance with the laws and regulations.

23 (f) Experience shall be gained only in a setting that meets both
24 of the following requirements:

25 (1) Lawfully and regularly provides alcohol and other drug
26 counseling.

27 (2) Provides oversight to ensure that the supervisee’s work at
28 the setting meets the experience and clinical supervision
29 requirements set forth in this chapter and is within the scope of
30 practice for the profession as defined in Section 4454.

31 (g) Experience shall not be gained prior to becoming a
32 registered intern.

33 (h) A supervisee may be either a paid employee or a volunteer.
34 Employers are encouraged to provide fair remuneration to
35 supervisees.

36 (i) A supervisee shall not receive remuneration from patients
37 or clients, and shall be paid only by his or her employer. A
38 supervisee shall not have a proprietary interest in the employer’s
39 business.

1 (j) A supervisee may receive clinical supervision from a person
2 not employed by the supervisee's employer if that person has signed
3 a written agreement with the employer to take supervisory
4 responsibility for the supervisee's addiction counseling.

5 (k) Notwithstanding any other law, a supervisee shall receive
6 a minimum of one hour of clinical supervision per week for each
7 setting in which he or she is working.

8 (l) The board may limit, by regulation, the number of registered
9 interns that one supervisor may supervise, the number of registered
10 interns that may be supervised in a given program or setting, and
11 the proportion of the workforce in a given program or setting that
12 may be comprised of registered interns.

13 (m) Programs licensed or certified by the department are not
14 required to adhere to the supervision provisions of this section.
15 Alcohol and drug counselors working or volunteering in licensed
16 or certified facilities may use hours completed while working or
17 volunteering in a facility licensed or certified by the department
18 if the conditions for supervised hours are present at the time of
19 service.

20
21 Article 5. Scope of Practice
22

23 4454. (a) (1) The board shall issue a license or intern
24 registration to each applicant meeting the requirements of this
25 chapter. That license or registration permits the holder to engage
26 in alcohol and drug counseling as defined in subdivision (c),
27 entitles the holder to use the title of licensed advanced alcohol and
28 drug counselor or advanced alcohol and drug counselor intern,
29 as applicable, and authorizes the holder to hold himself or herself
30 out as qualified to perform the functions delineated by this chapter,
31 subject to any limitations relating to the level of the license or
32 registration or other conditions that may be imposed by the board.

33 (2) The form and content of the license or registration shall be
34 determined by the board.

35 (b) A licensee or registered intern may perform the acts listed
36 in this section only for the purpose of treating alcohol and drug
37 addiction.

38 (c) (1) For the purposes of this chapter, "alcohol and drug
39 counseling" means a process involving a psychotherapeutic
40 relationship between a client who is experiencing addiction,

1 *dependence, abuse of alcohol or other drugs, or other symptoms*
2 *that relate to substance use and a counselor or therapist trained*
3 *to provide that help to address that addiction, dependence, or*
4 *abuse.*

5 *(2) Addiction counseling includes the professional and ethical*
6 *application of basic tasks and responsibilities, including all of the*
7 *following:*

8 *(A) Screening, this is the process by which a client is determined*
9 *to be eligible for admission to a particular alcohol and drug*
10 *treatment program.*

11 *(B) Initial intake, which is the administrative and initial*
12 *assessment procedures for admission to an alcohol and drug*
13 *treatment program. Assessment shall not include psychological*
14 *testing intended to measure or diagnose mental illness.*

15 *(C) Orientation, which is the act of describing to the client the*
16 *general nature and goals of the alcohol and drug treatment*
17 *program, including rules governing client conduct and infractions*
18 *that can lead to disciplinary action or discharge from the program.*

19 *(D) Alcohol and drug abuse counseling, including individual,*
20 *group, and significant others. The utilization of special skills to*
21 *assist individuals, families, or groups in achieving objectives*
22 *through exploration of a problem and its ramifications,*
23 *examination of attitudes and feelings, considerations of alternative*
24 *solutions, and decisionmaking as each relates to substance use.*
25 *Counseling shall be limited to assisting a client in learning more*
26 *about himself or herself for the purposes of understanding how to*
27 *effectuate clearly perceived and realistically defined goals related*
28 *to abstinence. Counseling is limited to assisting the client to learn*
29 *or acquire new skills that will enable the client to cope and adjust*
30 *to life situations without the use of substances.*

31 *(E) Case management, which is the activities that bring services,*
32 *agencies, resources, or individuals together within a planned*
33 *framework of action toward achievement of established goals.*
34 *Case management may involve liaison activities and collateral*
35 *contacts.*

36 *(F) Crisis intervention, which is providing services that respond*
37 *to an alcohol or drug user's needs during acute emotional or*
38 *physical distress, including, but not limited to, referrals for*
39 *assessment of the client's need for additional psychological or*

1 *medical treatment for client behaviors that signal risk or prolonged*
2 *distress.*

3 *(G) Assessment, which is the use of procedures by which a*
4 *counselor or program identifies and evaluates an individual's*
5 *strengths, weaknesses, problems, and needs for the development*
6 *of the alcohol and drug treatment plan.*

7 *(H) Treatment planning, which is the process by which the*
8 *counselor and the client identify and rank problems needing*
9 *resolution, establish agreed-upon immediate and long-term goals,*
10 *and decide on a treatment process and the resources to be utilized.*

11 *(I) Client education, which is providing information to*
12 *individuals and groups concerning alcohol and drug use and the*
13 *services and resources available.*

14 *(J) Referral, which is identifying the needs of the client that*
15 *cannot be met by the counselor or agency, as well as assisting the*
16 *client in utilizing the support systems and community resources*
17 *available.*

18 *(K) Reports and recordkeeping, which is the documentation of*
19 *the client's progress in achieving his or her goals.*

20 *(L) Consultation with other professionals with regard to client*
21 *treatment or services and communicating with other professionals*
22 *to ensure comprehensive, quality care for the client.*

23 *4454.1. Alcohol and drug counseling includes understanding*
24 *and application of the limits of the counselor's own qualifications*
25 *and scope of practice, including, but not limited to, screening and,*
26 *as indicated, referral to or consultation with an appropriately*
27 *licensed health practitioner consistent with the client's needs.*
28 *Every licensee who operates an independent counseling practice*
29 *shall refer any client assessed as needing the services of another*
30 *licensed professional to that professional in a timely manner.*

31 *4454.2. Provided that this exception does not preclude the*
32 *board from considering conduct in any setting in its determination*
33 *of fitness for registration or licensure or in a disciplinary matter,*
34 *this chapter shall not apply to any of the following:*

35 *(a) A person who engages in the practice of alcohol and drug*
36 *counseling exclusively for any of the following:*

37 *(1) In-custody services of the Department of Corrections and*
38 *Rehabilitation.*

39 *(2) As an employee or volunteer of the State of California.*

1 (3) *As an employee or volunteer of an agency of the government*
2 *of the United States.*

3 (b) *A person who is an unpaid member of a peer or self-help*
4 *group who performs peer group or self-help activities if the person*
5 *does not use a title stating or implying that he or she is a licensed*
6 *or certified alcohol and drug counselor or registered intern.*

7 (c) *A cleric or other religious leader who provides spiritual*
8 *advice and guidance to members of his or her congregation or*
9 *order, or to other persons, if it is free of charge.*

10 (d) *A director, officer, or staff member of a program described*
11 *in Section 8001 of the Penal Code.*

12 (e) *A director, officer, or staff member of a program described*
13 *in subdivision (l) or (m) of Section 11752.1 of the Health and Safety*
14 *Code.*

15 4454.3. *This chapter shall not be construed to constrict, limit,*
16 *or withdraw the Medical Practice Act (Chapter 5 (commencing*
17 *with Section 2000)), the Nursing Practice Act (Chapter 6*
18 *(commencing with Section 2700)), the Psychology Licensing Act*
19 *Law (Chapter 6.6 (commencing with Section 2900)), the Licensed*
20 *Marriage and Family Therapist Act (Chapter 13 (commencing*
21 *with Section 4980)), the Clinical Social Worker Practice Act*
22 *(Chapter 14 (commencing with Section 4991)), or the Licensed*
23 *Professional Clinical Counselor Act (Chapter 16 (commencing*
24 *with Section 4999.10)). This section shall not be construed to mean*
25 *that persons exempted from this act pursuant this section shall be*
26 *required to be dually licensed in order to provide alcohol and drug*
27 *counseling services.*

28 4454.4. *A person who has received a registration or license*
29 *under this chapter may use the title “advanced alcohol and drug*
30 *counselor intern” or “AADCI,” or “licensed advanced alcohol*
31 *and drug counselor” or “LAADC,” in accordance with the type*
32 *of registration or license possessed. Every person who styles*
33 *himself or herself or who holds himself or herself out to be an*
34 *advanced alcohol and drug counselor intern, AADCI, or licensed*
35 *advanced alcohol and drug counselor, without holding a license*
36 *or registration in good standing under this chapter, is guilty of a*
37 *misdemeanor.*

38 4454.5. (a) *It is unlawful for a person to engage in the practice*
39 *of alcohol and drug counseling outside of a licensed or certified*
40 *alcohol and drug treatment facility, unless at the time of so doing,*

1 *the person holds a valid, unexpired, and unrevoked license or*
2 *registration under this chapter.*

3 *(b) This section shall become operative on January 1, 2017.*

4
5 *Article 6. Licenses and Renewals*
6

7 *4455. (a) Licenses or registrations issued under this chapter*
8 *shall expire within two years after the issue date. The expiration*
9 *date of the original license or registration shall be set by the board.*

10 *(b) To renew an unexpired license or registration, the licensee*
11 *or registered intern shall, on or before the expiration date of the*
12 *license or registration, complete the following actions:*

13 *(1) Apply for a renewal on a form prescribed by the board.*

14 *(2) Pay a two-year renewal fee prescribed by the board.*

15 *(3) Complete at least 60 hours of continuing education, as*
16 *approved by the board.*

17 *(4) Notify the board whether he or she has been convicted of a*
18 *misdemeanor or felony, or whether disciplinary action has been*
19 *taken by a regulatory or licensing board in this or any other state,*
20 *subsequent to the licensee or registered intern's last renewal.*

21 *(c) To renew an expired license or registration within three*
22 *years of its expiration, the licensee or registered intern shall, as*
23 *a condition precedent to renewal, do all of the following:*

24 *(1) Apply for renewal on a form prescribed by the board within*
25 *three years of the expiration date of the license.*

26 *(2) Pay the renewal fees that would have been paid if the license*
27 *or registration had not been delinquent.*

28 *(3) Pay all delinquency fees.*

29 *(4) Complete the applicable continuing education requirements.*

30 *(5) Notify the board whether he or she has been subject to, or*
31 *whether another department or board has taken, disciplinary action*
32 *since the last renewal.*

33 *(d) The department shall adopt regulations to allow for the*
34 *reinstatement of a license or registration that is not renewed within*
35 *three years after its expiration.*

36 *4455.1. (a) A licensed advanced alcohol and drug counselor*
37 *shall display his or her license in a conspicuous place at the*
38 *primary place of his or her business.*

39 *(b) The current renewal receipt shall be displayed near the*
40 *license.*

1 4455.2. A licensed advanced alcohol and drug counselor who
2 conducts a private practice under a fictitious business name shall
3 not use a name that is false, misleading, or deceptive, and shall
4 inform the patient, prior to the commencement of treatment, of the
5 name and license designation of the owner or owners of the
6 practice.

7 4455.3. A suspended license is subject to expiration and may
8 be renewed as provided in this chapter, but the renewal does not
9 entitle the licensee, while the licensee remains suspended and until
10 the licensee is reinstated, to engage in the activity to which the
11 license relates, or in any other activity or conduct in violation of
12 the order or judgment by which it was suspended.

13 4455.4. (a) A licensed advanced alcohol and drug counselor
14 may apply to the board to request that his or her license be placed
15 on inactive status.

16 (b) A person who holds an inactive license shall pay a biennial
17 fee of one-half of the active renewal fee and shall be exempt from
18 continuing education requirements specified in paragraph (3) of
19 subdivision (b) of Section 4455, but shall otherwise be subject to
20 this chapter and shall not engage in the practice of alcohol and
21 drug counseling in this state.

22 (c) A person on inactive status who has not committed any acts
23 or crimes constituting grounds for denial of licensure or
24 registration may, upon his or her request, have his or her license
25 to practice alcohol and drug counseling placed on active status.

26 (d) A person requesting his or her license to be placed on active
27 status at any time during a renewal cycle shall pay a pro rata
28 portion of the renewal fees.

29 (e) A person requesting to have his or her license be placed on
30 active status whose license expires less than one year from the
31 date of the request shall be required to complete 20 hours of
32 continuing education for license renewal.

33 (f) A person requesting his or her license to be placed on active
34 status whose license expires more than one year from the date of
35 the request shall be required to complete 40 hours of continuing
36 education for license renewal.

37 4455.5. A person licensed or registered under this chapter
38 shall comply with all of the following:

39 (a) Provide written notice to the board within 30 days of any
40 change of address.

1 (b) Provide written notice to the board within 30 days of a name
2 change giving both the old and the new names along with a copy
3 of the legal document authorizing the name change, including, but
4 not limited to, a court order or marriage license.

5 (c) Notify the board in writing within 30 days if he or she has
6 been convicted of a misdemeanor or felony substantially related
7 to the practice of alcohol drug counseling.

8
9 Article 7. Denial, Suspension, and Revocation

10
11 4456. The board may deny an application or may revoke,
12 suspend, or impose conditions upon a license or the intern
13 registration for unprofessional conduct. Unprofessional conduct,
14 includes, but is not limited to, any of the following:

15 (a) Securing an intern registration, license, or renewal by fraud,
16 deceit, or misrepresentation on an application or material in
17 support of an application for intern registration, licensure, or
18 renewal.

19 (b) Misrepresenting the type or status of intern registration or
20 licensure held by the person, or otherwise misrepresenting or
21 permitting misrepresentation of his or her education, professional
22 qualifications, or professional affiliations to a person, program,
23 or entity.

24 (c) Refusal or failure to provide proper identification as a
25 licensee or registered intern where appropriate or required,
26 including, but not limited to, when offering or providing alcohol
27 and drug counseling services, on business cards, or on
28 informational or marketing materials.

29 (d) Advertising, marketing, or promoting programs, services,
30 training, education, or experience in a false and misleading
31 manner, as set forth in Chapter 5 (commencing with Section 17200)
32 of Part 2 of Division 7.

33 (e) Engaging in inappropriate social relationships, sexual
34 relations, or soliciting sexual relations with a client or with a
35 former client within two years from the termination date of the
36 counseling relationship.

37 (f) Committing an act of sexual abuse, misconduct, or an act
38 punishable as a sexually related crime.

39 (g) Engaging in a business relationship with clients, patients,
40 program participants, residents, or other persons significant to

1 *them within one year from the termination of the counseling*
2 *relationship.*

3 *(h) Physically, verbally, or sexually harassing, threatening, or*
4 *abusing other staff members, clients, patients, program*
5 *participants, residents, or other persons significant to any of those*
6 *persons.*

7 *(i) Unlawfully administering to himself or herself a controlled*
8 *substance as defined in Section 4021, using any of the dangerous*
9 *drugs or devices specified in Section 4022, or using an alcoholic*
10 *beverage to the extent, or in a manner, as to be dangerous or*
11 *injurious to the person holding or applying for intern registration*
12 *or licensure or to any other person or to the public.*

13 *(j) Violating patient or client confidentiality, except as required*
14 *or permitted by law, including, but not limited to, Subparts A to*
15 *E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42 of*
16 *the Code of Federal Regulations, and child abuse, elder abuse,*
17 *and public safety laws and regulations.*

18 *(k) Failing to maintain records consistent with the nature of the*
19 *services being rendered.*

20 *(l) Refusing or denying patient or client access to charts and*
21 *records as required by law.*

22 *(m) Violating, attempting to violate, or conspiring to violate a*
23 *law or regulation governing licensed advanced alcohol and drug*
24 *counselors and registered interns.*

25 *(n) Failure to comply with the child abuse reporting*
26 *requirements of Section 11166 of the Penal Code.*

27 *(o) Failure to comply with the elder and dependent adult abuse*
28 *reporting requirements of Section 15630 of the Welfare and*
29 *Institutions Code.*

30 *4456.1. The board shall revoke a license or the registration of*
31 *an intern issued under this chapter upon a decision made in*
32 *accordance with the procedures set forth in the adjudication*
33 *provisions of the Administrative Procedure Act (Chapter 5*
34 *(commencing with Section 11500) of Part 1 of Division 3 of Title*
35 *2 of the Government Code) that contains a finding of fact that the*
36 *licensee or registered intern engaged in an act of sexual contact,*
37 *as defined in Section 729, when that act is with a client, or with a*
38 *former client when the relationship was terminated primarily for*
39 *the purpose of engaging in that act. The revocation shall not be*
40 *stayed by the administrative law judge or the board.*

1 4456.2. *The board may deny an application, or may revoke or*
2 *suspend a license or intern registration issued under this chapter,*
3 *for a denial of licensure, revocation, suspension, restriction, or*
4 *other disciplinary action imposed by another state or territory of*
5 *the United States, or by any other governmental agency, on a*
6 *license or registration to practice alcohol and other drug*
7 *counseling or other healing art. A certified copy of the disciplinary*
8 *action decision or judgment shall be conclusive evidence of that*
9 *action.*

10 4456.3. (a) *The chairperson may temporarily suspend a license*
11 *or intern registration prior to a hearing when, in the opinion of*
12 *the chairperson, the action is necessary to protect the public or a*
13 *client from physical or mental abuse, abandonment, or other*
14 *substantial threat to health or safety.*

15 (b) *The chairperson shall give notice of the temporary*
16 *suspension and the effective date of the temporary suspension and,*
17 *at the same time, shall serve an accusation.*

18 (c) *Upon receipt of a notice of defense to the accusation, the*
19 *chairperson shall, within 15 days, set the matter for hearing, and*
20 *the hearing shall be held as soon as possible. The temporary*
21 *suspension shall remain in effect until the time the hearing is*
22 *completed and the chairperson has made a final determination on*
23 *the need for the temporary suspension to remain in place pending*
24 *resolution of the accusation.*

25 (d) *The temporary suspension shall be deemed vacated if the*
26 *chairperson fails to make a final determination on the merits within*
27 *30 days after the hearing, if the chairperson hears the matter*
28 *personally, or within 30 days after the board receives the proposed*
29 *decision from the Office of Administrative Hearings, or if the*
30 *matter is heard by a hearing officer selected by the board.*

31 4456.4. (a) *A person who has applied for or received a license*
32 *or intern registration from the board under this chapter has the*
33 *right to appeal an adverse decision of the board with regard to*
34 *his or her application, license, or registration.*

35 (b) *Unless the board specifies additional or different due process*
36 *provisions by regulation, an appeal shall be determined in*
37 *accordance with the adjudication provisions of the Administrative*
38 *Procedure Act (Chapter 5 (commencing with Section 11500) of*
39 *Part 1 of Division 3 of Title 2 of the Government Code).*

1 4456.5. *The board may impose reasonable terms, conditions,*
2 *or restrictions on a disciplinary action to protect the health, safety,*
3 *and welfare of the public.*

4 4456.6. *A person may request reinstatement of a license or*
5 *intern registration or a reduction of discipline, by applying for*
6 *reinstatement or reduction pursuant to Section 11522 of the*
7 *Government Code.*

8 4456.7. (a) *An applicant who fails an examination*
9 *administered by or on behalf of the board may within one year*
10 *from the notification date of failure retake that examination at the*
11 *next regularly scheduled examination date, without further*
12 *application, upon payment of the required examination fees.*

13 (b) *Thereafter, the applicant shall not be eligible for further*
14 *examination until he or she files a new application, meets all*
15 *current requirements, and pays all required fees.*

16 4456.8. (a) *An applicant for a license or intern registration*
17 *shall consent to a state and federal level criminal offender record*
18 *information search as part of a criminal history background check.*
19 *Refusal to consent to the criminal history background check, as*
20 *delineated in this section, shall result in denial of the license or*
21 *registration.*

22 (b) *The following procedure shall be followed for criminal*
23 *offender record information searches:*

24 (1) *The board shall submit to the Department of Justice*
25 *fingerprint images and related information required by the*
26 *Department of Justice of all advanced alcohol and drug counselor*
27 *licensure or advanced alcohol and drug counselor intern*
28 *registration applicants, as defined by Section 4450.1, to obtain*
29 *information as to the existence and content of a record of state or*
30 *federal convictions, state or federal arrests, and the existence and*
31 *content of a record of state or federal arrests for which the*
32 *Department of Justice establishes that the person is free on bail*
33 *or on his or her own recognizance pending trial or appeal.*

34 (2) *When received, the Department of Justice shall forward the*
35 *relevant information to the Federal Bureau of Investigation and*
36 *requests for federal summary criminal history information received*
37 *pursuant to this section. The Department of Justice shall review*
38 *the information returned from the Federal Bureau of Investigation*
39 *and compile and disseminate a response to the board.*

1 (3) *The Department of Justice shall provide a response to the*
2 *board pursuant to paragraph (1) of subdivision (p) of Section*
3 *11105 of the Penal Code.*

4 (4) *The board shall request from the Department of Justice*
5 *subsequent arrest notification service, as provided pursuant to*
6 *Section 11105.2 of the Penal Code, for persons described in*
7 *paragraph (1).*

8 (5) *The Department of Justice shall charge fees sufficient to*
9 *cover the cost of processing the request described in this section.*
10 *The applicant shall be responsible for payment of these fees.*

11 (6) *The applicant shall pay the fingerprint image rolling and*
12 *electronic submission fee charged by the live scan device operator.*

13 (c) *Before issuing a license or registration, the board shall*
14 *ensure that the state and federal level criminal history of the*
15 *applicant is reviewed.*

16 (d) *The board shall deny or revoke a person's license or*
17 *registration if, at the time of the board's determination, the person*
18 *meets one or more of the following criteria:*

19 (1) *He or she has been convicted of five or more criminal*
20 *offenses within a 30-month period ending two years or less prior*
21 *to the date of the board's determination.*

22 (2) *He or she is required to register as a sex offender pursuant*
23 *to Section 290 of the Penal Code.*

24 (3) (A) *Subject to subdivisions (b) and (c), he or she has been*
25 *convicted of a violent felony, as defined in Section 667.5 of the*
26 *Penal Code, within three years prior to the date of the board's*
27 *determination.*

28 (B) *After the expiration of three years from the date of*
29 *conviction, if a person described in subparagraph (A) is on parole,*
30 *he or she may be licensed or registered, if the board receives the*
31 *written approval of his or her parole officer or the Board of Parole*
32 *Hearings, as the Board of Parole Hearings may provide. The*
33 *written approval may be withdrawn by the Board of Parole*
34 *Hearings upon written notice to the licensee, registered intern, or*
35 *parolee and to the board. In the event of withdrawal of the*
36 *approval, the licensee, registered intern, or parolee's licensure*
37 *or registration shall be revoked by the board upon receipt by the*
38 *board of the notice, without further recourse against the board.*
39 *The Board of Parole Hearings shall set the procedure for review*
40 *of the withdrawal of approval. If the approval is reinstated, the*

1 board shall reinstate the licensee, registered intern, or parolee if
2 he or she is otherwise eligible for reinstatement under this chapter
3 and complies with all applicable requirements.

4 (C) Subparagraph (B) shall also apply to a person convicted
5 of a crime that the board determines is substantially related to the
6 practice of alcohol and drug counseling.

7 (D) The board shall not deny or revoke a registration or license
8 pursuant to this subdivision solely on the basis of convictions
9 stemming from prior use of drugs or alcohol, provided the
10 individual meets the terms of rehabilitation established in
11 regulations developed pursuant to subparagraph (E).

12 (E) The board may establish by regulation additional criteria
13 to implement this subdivision, which may include, but is not limited
14 to, standards, exemptions, and terms of rehabilitation, and may
15 include rebuttable presumptions with regard to any of those.

16 4456.9. (a) Except as otherwise provided in this chapter, an
17 accusation filed pursuant to Section 11503 of the Government
18 Code against a person licensed or registered under this chapter
19 shall be filed within three years from the date the board discovers
20 the alleged act or omission that is the basis for disciplinary action
21 or within seven years from the date the alleged act or omission
22 that is the basis for disciplinary action occurred, whichever occurs
23 first.

24 (b) An accusation filed against a person licensed or registered
25 alleging the procurement of a license or registration by fraud or
26 misrepresentation is not subject to the limitations set forth in
27 subdivision (a).

28 (c) An accusation alleging sexual misconduct shall be filed
29 within three years after the board discovers the act or omission
30 alleged as the grounds for disciplinary action or within 10 years
31 after the act or omission alleged as the grounds for disciplinary
32 action occurred, whichever occurs first.

33 (d) If an alleged act or omission involves a minor, the seven-year
34 limitation period provided for by subdivision (a) and the 10-year
35 limitation period provided for by subdivision (d) shall be tolled
36 until the minor reaches the age of majority.

37 (e) The limitation period provided by subdivision (a) shall be
38 tolled during any period if material evidence necessary for
39 prosecuting or determining whether a disciplinary action would

1 *be appropriate is unavailable to the board due to an ongoing*
2 *criminal investigation.*

3 *(f) For purposes of this section, “discovers” means the latest*
4 *occurrence of any of the following with respect to each act or*
5 *omission alleged as the basis for disciplinary action:*

6 *(1) The date the board received a complaint or report describing*
7 *the act or omission.*

8 *(2) The date, subsequent to the original complaint or report,*
9 *on which the board became aware of additional acts or omissions*
10 *alleged as the basis for disciplinary action against the same*
11 *individual.*

12 *(3) The date the board receives from the complainant a written*
13 *release of information pertaining to the complainant’s diagnosis*
14 *and treatment.*

15 *4456.10. (a) This chapter does not apply to an alcohol and*
16 *drug counselor from outside this state when he or she is in actual*
17 *consultation with a licensed practitioner of this state or when he*
18 *or she is an invited guest of a professional association or*
19 *educational institution for the sole purpose of engaging in*
20 *professional education through lectures, clinics, or demonstrations,*
21 *if he or she is, at the time of the consultation, lecture, or*
22 *demonstration, licensed to practice alcohol and drug counseling*
23 *in the state or country in which he or she resides.*

24 *(b) An alcohol and drug counselor described in subdivision (a)*
25 *shall not open an office or appoint a place to meet clients or*
26 *receive calls from clients within the limits of this state.*

27
28 *Article 8. Fiscal Provisions*
29

30 *4457. (a) The Advanced Alcohol and Drug Counselors License*
31 *Fund is hereby established in the State Treasury. All fees and fines*
32 *collected by the board in accordance with this chapter shall be*
33 *deposited in this fund.*

34 *(b) The moneys in the fund shall be available, upon*
35 *appropriation by the Legislature, for the purpose of supporting*
36 *the licensing and intern registration activities of the board.*

37 *4457.1. (a) Until the board establishes different fees by*
38 *regulation, the board shall assess the following fees relating to*
39 *the licensure of advanced alcohol and drug counselors and the*
40 *registration of advanced alcohol and drug counselor interns:*

1 (1) *The application fee for an initial registration shall be*
2 *seventy-five dollars (\$75).*

3 (2) *The fee for renewal of a registration shall be seventy-five*
4 *dollars (\$75).*

5 (3) *The fee for a written examination administered by the board*
6 *shall be one hundred fifty dollars (\$150). The fee for an*
7 *examination administered on behalf of the board shall not exceed*
8 *more than 125 percent of the standard examination fee assessed*
9 *by the testing company.*

10 (A) *An applicant who fails to appear for an examination, after*
11 *having been scheduled to take the examination, shall forfeit the*
12 *examination fee.*

13 (B) *This subdivision shall not establish or limit the examination*
14 *fee charged for the examination recognized in subdivision (a) of*
15 *Section 4453.2 or any other examination that is recognized by the*
16 *board but not administered by or on behalf of the board.*

17 (4) *The fee for issuance of an initial license shall be one hundred*
18 *fifty-five dollars (\$155).*

19 (5) *The fee for a license renewal shall be one hundred fifty-five*
20 *dollars (\$155).*

21 (6) *The fee for an inactive license renewal shall be seventy-seven*
22 *dollars and fifty cents (\$77.50).*

23 (7) *The renewal delinquency fee shall be seventy-five dollars*
24 *(\$75). A person who permits his or her license to expire is subject*
25 *to the delinquency fee.*

26 (8) *The fee for issuance of a replacement registration or license*
27 *shall be twenty dollars (\$20).*

28 (9) *The fee for issuance of a certificate or letter of good standing*
29 *shall be twenty-five dollars (\$25).*

30 (10) *The fee for board review of the criminal records*
31 *information shall be thirty dollars (\$30).*

32 (11) *The fee for the state level criminal offender record*
33 *information search shall be set by the Department of Justice and*
34 *the fee for the federal level criminal offender record information*
35 *search shall be set by the Federal Bureau of Investigation.*

36 (b) *The board may establish fees for other categories as*
37 *necessary, however, the total fees collected by the board pursuant*
38 *to this chapter shall not exceed the reasonable cost to the board*
39 *for administering this chapter. The fees described in subdivision*

1 (a) shall not exceed the reasonable costs to the board for
2 administering this chapter.

3 (c) The startup funds to implement this chapter shall be derived,
4 as a loan, from the reserve of the fund, upon appropriation by the
5 Legislature, and the board is not required to implement this chapter
6 until those funds are appropriated.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

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18 **All matter omitted in this version of the bill**
19 **appears in the bill as amended in the**
20 **Assembly, June 17, 2014. (JR11)**
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